



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 100-2	Subject: WARRANT TO ARREST PAROLEES, CONDITIONAL RELEASE OFFENDERS, OR DOC INMATES ON ISP OR IN COMMUNITY CORRECTIONS PROGRAMS
Chapter 100: VIOLATIONS/WARRANTS/ARRESTS	Page 1 of 3
	Revision Date: 11/23/01; 06/17/02; 08/01/05; 02/15/06
Signature: /s/ Ron Alsbury	Effective Date: 06/01/00

I. BUREAU DIRECTIVE: Probation and Parole Bureau employees will follow established procedures when issuing a warrant to arrest and hold Parolees, Conditional Release offenders, ISP DOC inmates and offenders in Community Corrections Programs (Prerelease, WATCH, Connections Corrections, etc.).

II. AUTHORITY:

46-23-1023, M.C.A. *Arrest of Alleged Parole Violator*
46-6-311, MCA *Basis for Arrest Without a Warrant*

III. DEFINITIONS:

None.

IV. PROCEDURES:

A warrant to arrest and hold a Parolee, Conditional Release offender, DOC Inmate or Community Corrections Program inmate within the State of Montana will be issued when there is reasonable cause to believe a violation has occurred, or whenever an offender presents such danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of others.

If it is determined that a warrant is necessary to arrest an offender outside the boundaries of Montana, P&P Officers must obtain the warrant via Interstate Compact for a Parolee. 46-23-1023, MCA, gives the Department authority to issue a warrant to arrest a parolee and 46-6-311, MCA, gives the Bureau authority to arrest and hold a Conditional Release offender, ISP DOC inmate or Community Corrections Program inmate.

PROCEDURE:

1. Any Officer may arrest an offender without a warrant or may deputize another Officer with the power of arrest to do so by giving the Officer oral authorization. The Officer, within 12 hours, delivers to the place of detention *P&P 100-2 (A) Warrant to Arrest Parolee/Inmate* that contains a written statement setting forth that the offender has, in the judgment of the Officer, violated the conditions of the offender's release and/or rules and conditions. If the offender is out-of-state, Officer contacts Interstate Compact who will issue a

RESPONSIBILITY:

P&P Officer

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warrant. The Officer must report all arrests to their supervisor at the earliest convenience via telephone, e-mail, or other communication means.

2. Distribute *P&P 100-2 (A) Warrant to Arrest Parolee/Inmate* to arresting authority (i.e. Sheriff or Police Department) P&P Officer
3. Parolees, Conditional Release offenders, ISP DOC Inmates or Community Corrections Program inmates are not entitled to bond. Following issuance of a warrant and subsequent arrest, the Officer decides whether to release the offender, hold an intervention hearing, or formally pursue a revocation, disciplinary hearing or other sanction. When the warrant is no longer necessary, the Officer shall cancel the warrant. P&P Officer
4. **For Parolees** - Discussion/consultation with the Regional Administrator or designee to determine whether to release the offender, hold an intervention hearing or write a Report of Violation for a formal revocation. If the decision is to pursue a formal revocation, set up an on-site hearing for potential revocation of parole. Montana Parolees will not be able to waive an on-site hearing. If the Montana Parolee has been convicted of a new felony offense or if the parolee has been arrested in another state without permission to be there, an on-site hearing is not necessary (see P&P 140-2). However, if the offender has other violations in addition to the new convicted felony offense(s) that the Parole Officer believes needs to be considered and addressed as part of the parole revocation, a hearing shall be conducted. An out-of-state offender may decide to waive the on-site hearing. P&P Officer
Regional Administrator or Designee
5. **For Conditional Release offenders, DOC ISP Inmates or Pre-Release Inmates** – Discussion/consultation with Regional Administrator or designee, to determine whether to release the offender, hold an intervention hearing (ISP Inmates), or formally pursue disciplinary hearing or other sanctions. P&P Officer
Regional Administrator or Designee
6. If a *Warrant to Arrest Parolee/Inmate* has been issued and is no longer warranted, call local law enforcement to cancel the warrant and/or if documentation is required, complete *P&P 100-2 (B) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement. P&P Officer
Regional Administrator or Designee

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NOTE: Reports of Violation are submitted to the Board of Pardons relative to Parolees or Prerelease Center Parolees. In case of the incarceration of Interstate Offenders, P&P Officers shall inform their Regional Administrator as soon as possible. (*See P&P 130-3 Report of Violation For Out-Of-State Offenders Supervised in Montana*)

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator.

Form

P&P 100-2 (A) Warrant to Arrest Parolee/Inmate/Conditional Release Offender
P&P 100-2 (B) Authorization to Cancel Warrant/Pick Up & Hold